



DATE: March 9, 2015

APPROVED BY: Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

February 24, 2015

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice Chair Morse called the meeting to order in Mr. Zondag's absence at 5:36 p. m .

ROLL CALL

The following members were present: Messrs. Brotzman, Morse, Schaedlich, Flenner (Alt. for Siegel), Malecek, and Ms. Pesec. Legal Counsel present was Chief Assistant Prosecutor, Civil Division, David Hackman. Planning and Community Development Staff present were Ms. Myers and Mr. Radachy.

Mr. Morse stated he would not be voting except to break a tie vote.

MINUTES

Mr. Brotzman referred to page 4, paragraph c, asking if the Lake County Soil and Water Conservation District really meant to use the words "stream channel".

Mr. Radachy stated that the "high water mark" could be the same thing. The District submitted their stipulation as stated. He thought they could use high water mark and state in parentheses that the (Soil and Water District submitted "stream channel").

Mr. Brotzman said he would like to do that in the minutes.

Ms. Pesec moved and Mr. Brotzman seconded the motion to approve the January 27, 2015 minutes with the stream channel wording change.

Four voted "Aye".
One abstained.
Chair reserved vote for ties.

FINANCIAL REPORTS

Mr. Radachy said there was nothing exceptional in this month's Financial Report to bring to the members' attention.

Mr. Brotzman moved to accept the January 2015 Financial Report as submitted and Ms. Pesec seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Mr. Hackman, Chief Assistant Prosecutor, said there were no legal issues to report.

DIRECTOR'S REPORT

Mr. Radachy said 64 people applied for the Planner 1 position in the Office. Twenty were from Ohio and the rest were from out of the State. The Director and Mr. Schaedlich met and narrowed the search to nine good candidates to interview.

ANNOUNCEMENTS

There were two announcements.

- Central Lake County Lakefront Connectivity Plan TLCI Second Draft - Two public meetings will be held to publicize the changes made in the Plan as a result of the first public meeting and the survey results. The Connectivity Plan's goal is to interconnect bike lands and trails and to create a standard plan for economic and health reasons. These meetings will be held on Tuesday, March 10th at 6:30 p.m. in the T.W. Harvey High School Hanlon Room and Wednesday, March 18th at 6:30 p.m. in the Painesville Township Park Community Center.
- Lake County CDBG/HOME Mandatory Pre-Application Meeting – Office staff in the Community Development portion of our Office will be holding a mandatory pre-application meeting for those agencies considering applying for Fiscal Year 2015 HUD funding. The meeting will be held on March 27, 2015 at 10:00 a.m. in the Utilities Learning and Business Center located on Blasé Nemeth Road in Painesville, Ohio.

SUBDIVISION REVIEW

Concord Township –Summerwood Subdivision, Phase III, Resubmitted Final Plat and Improvement Plans, 7 Lots, 15.6160 Acres

Mr. Radachy introduced the Summerwood Subdivision, Phase III resubmitted Final Plat and Improvement Plans including seven lots on about 16 acres of land in Concord Township. This

Subdivision is being resubmitted by ALM Lake Properties for 20th Century because of a new road layout. The Survey/Engineer is Gutoskey & Associates. Staff stated that the original application expired two years ago and the Subdivision would have been required to be resubmitted regardless of any changes. The change made was to straighten the Ironwood Court cul-de-sac. The originally approved Plat had a bend in it and the resubmitted Plat does not.

The following are the submitted proposed stipulations and comments:

Proposed Final Plat Stipulations:

1. Twentieth Century Construction owns the property that the proposed Plat is located on. The Plat needs to reflect the correct ownership.
2. The subdivider shall set all permanent monuments for subplot corners prior to the recording of the subdivision. *Article I Section 4(H)*
3. All permanent monuments for the centerline shall be set prior to recording of the plat or the final release of the construction surety and acceptance of the maintenance surety. *Article I Section 4(I)*
4. The local stm. drainage easement that is located between sublots 106 and 107 does not have language on the cover sheet of the plat. The easement should be labeled as a local service drainage easement and not a local stm. drainage easement. *Article III Section 6(D)(3)(k)*
5. Time Warner provides cable service to the area. Please change Adelphia Cable to Time Warner Cable. *Article III Section 6(D)(1)(c)*
6. All the references to the year need to be changed from 2013 to 2015. Robert Aufuldish has retired as County Commissioner and Kevin D. Malecek was sworn in as Commissioner on February 4, 2015. Replace Robert Aufuldish with Kevin Malecek.
7. Plat shall make reference to a minimum two Ohio State Plane Coordinates. *L. C. Engineer*

Proposed Final Plat Comments:

1. Open Space Block "F" contains 11.0816 acres. Phases I, II and IV of Summerwood PUD have dedicated a total of 47.9184 acres of open space. This will bring the total open space dedicated to 59 acres which is in compliance with the Declaration of Restrictive Covenants, as agreed to by the Township and Westminster Abbey, Inc. in 2003. *Concord Township*
2. Phase III proposes 7 sublots, bringing the total number of sublots for the Summerwood PUD to 125. This is in compliance with the Declaration of Restrictive Covenants, as agreed to by the Township and Westminster Abbey, Inc. in 2003 which allows for a maximum of 125 sublots. *Concord Township*
3. Final approval of Phase III shall be subject to approval and formal acceptance by the Township Trustees (signatures required). *Concord Twp. Trustees*
4. The Township recommends that the plat for the road, open space and all individual sublots in Phase III be filed with the Recorder's at the same time to prevent delays in Township approval. *Concord Twp. Trustees*

Proposed Improvement Plan Stipulations:

1. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three-year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
2. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
3. Until improvement plans for the subdivision are approved, properly endorsed and accepted, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
4. Per Section 16.10 (k) of the Concord Township Zoning Resolution "no land shall be cleared of trees more than twenty feet from the foundation of a proposed building except for commercial uses, required parking and necessary access. *Concord Twp.*
5. Final approval could be forthcoming when a detailed set of construction drawings are submitted to the Lake County Department of Utilities for review. *L.C. Utilities*
6. Improvement Plans are subject to detailed review prior to final approval. *L.C. Engineer*
7. Pavement Design shall be based on Soil Analysis and AASHTO design parameters and shall have a minimum asphalt thickness of 7 inches. *L. C. Engineer*
8. Stormwater Management shall conform to LC Standards and Stormwater Management Department Rules and Regulations. *L. C. Engineer*
9. Proposed subdivision grading shall direct runoff away from existing phases. *L. C. Engineer*
10. A yard drain may be required to be installed to collect the runoff from the proposed swale running along the rear of Summerwood Phase 2 sublots 90-93. *L. C. Engineer*
11. Language for the maintenance and upkeep of the swale must be included in the HOA documents and Post Construction BMP Manual. *L. C. Engineer*

Proposed Improvement Plan Comments

1. Streets and fire hydrants must be installed and operational prior to the start of construction of structures. Concord Township Fire Prevention is to be notified of all scheduled flushing and 2 hour hydrostatic testing of underground piping and fire hydrants for the purpose of auditing of these procedures. *Concord Twp. Fire Dept.*
2. Street name signs and "NO PARKING HYDRANT SIDE OF STREET" signs shall be provided and installed prior to the start of construction of any structure. Street signs shall be in accordance with

the Ohio Fire Code Section 505.2. All contractors are to be instructed NOT to park on the hydrant side of the street during construction. *Concord Twp. Fire Dept.*

3. Building numbers and/or identification must be provided during all phases of construction of a structure. *Concord Twp. Fire Dept.*
4. Current Rules and Regulations, effective January 1, 2015, no longer approve gravity basement sewer service. *L. C. Utilities*
5. Potable water service to be provided by Painesville City per their "Franchise Agreement" with the Board of Lake County Commissioners. *L. C. Utilities*
6. Details for erosion and sediment control are currently being worked out with the developer and SWP3 engineer. *LCSWCD*
7. This site will be required to obtain an Ohio Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) permit for storm water management and erosion and sediment control. *LCSWCD*
8. A storm sewer pipe between sublots 102 & 103 can be installed to pick up this runoff that is currently going through the proposed swale. *L. C. Engineer*

Mr. Radachy stated that the stipulations are similar to what is stipulated on other subdivisions. For example, there are stipulations requiring corner pins on the lots to be set along with the monument boxes. The only issue on the Plat is the mislabeling of the Local Service Drainage Easement. They labeled it as a Local Stm. Drainage Easement instead. The local storm water drainage easement language that is located between sublots 106 and 107 does not match the language on the Cover sheet of the Plat. All references to the year need to be changed from 2013 to 2015.

Mr. Radachy noted that Concord Township commented that the Plat for the road, open space and all individual sublots in Phase III be filed with the Recorder at the same time to prevent delays in Township approval.

Staff stated the County Engineer, in proposed Improvement Plan stipulation number nine, stated the grading shall direct runoff away from existing phases and in stipulation 10 said a yard drain may be required to be installed to collect the runoff from the proposed swale running along the rear of Summerwood Phase 2, Sublots 90 to 93. Mr. Radachy stated there is not much water there, but they are still concerned the water drains be done correctly. This issue must be addressed or it will not be approved. The County Engineer needs to study this issue more, which is why he said "may" instead of "shall".

Ms. Pesec asked how it would affect property to the south of this Subdivision and Mr. Radachy stated that the Subdivision was currently not being effected. Staff is concerned about the right angle turn which may result in drain water going to Sublot 93 or even to 94.

Ms. Pesec asked why it was changed from an angle to the straight line. Staff did not know the reason, but speculated it was switched because the YMCA Dream House was built on Sublot 86, parking was put in and the purpose of that right-of-way altered the land layout.

Ms. Pesec asked if there was an impact made by this change and Mr. Radachy answered "No".

Staff recommended approval of the resubmitted Final Plat with seven stipulations and four comments and the resubmitted Improvement Plans with 11 stipulations and eight comments.

Mr. Flenner moved to approve the resubmitted Final Plat and Improvement Plans for the Summerwood, Phase 3 Subdivision with seven stipulations and four comments on the Final Plat and 11 stipulations and eight comments on the Improvement Plans.

All voted "Aye".

SUBDIVISION ACTIVITY REPORT

Mr. Radachy suggested moving the subdivision activity report to follow the Land Use and Zoning cases in order to retain a quorum because Mr. Malecek had to leave early and the members agreed.

LAND USE AND ZONING REVIEW

Painesville Township – Zoning District Amendment from B-1, Neighborhood Business & R-1, Single Family to FPUD

Mr. Radachy said this was a district amendment from B-1, Neighborhood Business and R-1, Single Family to FPUD. The property where the zoning district change is located is on Mentor Avenue in western Painesville Township. This body has seen this before in April, 2014. At that time, they were attempting to change the B-1 and R-1 to R-4. That district amendment was not accepted. He proceeded to show the members the Comprehensive Plan map of the site showing the land in the front zoned as B-1 and the land in the rear zoned as R-1. A land use map of the area showed several condominiums and the site is shown as agriculture because it was formerly a nursery. The site also has two single-family homes that are currently vacant. They are zoned B-1 and have been abandoned so they could never be residential again unless they are rezoned to R-1, R-2 or single family PUD.

The Comprehensive Plan showed this site as a possible park location. The housing unit table from the 2007 Comprehensive Plan showed that the Census Tract where this proposed FPUD is located shows 49.1% of the tract as single-family detached housing and 46.4% as attached multi-family housing. The Comprehensive Plan allows for a second option as single family FPUD for this site. Painesville Township wants the FPUD so they would have more control of the property development.

The Painesville Township Trustees changed their zoning to allow developers to submit substandard plans with a request that the plans be accepted based on "the best interests of orderly development in Painesville Township". However, the Zoning Inspector is required to report on issues in the Plan that are non-conforming. The Zoning Inspector can recommend if issues are not in the Township's best interest. He found issues with open space, lot width, setback and clearances, corner lot setbacks, FPUD side and rear clearances and minimum dwelling unit square footage.

The current Preliminary Development Plan does not have a 35 foot buffer to conform to the standards of the Painesville Township Zoning Resolution. The Plan does not have the 4.4 acres of open space the regulations require and the density is based on gross acres versus net acres, which gives them an additional 13 lots. There are subdivision regulation issues with the cul-de-sac length and street names.

Staff recommended that the district change be made to the FPUD because it is in conformance with the 2007 Painesville Township Comprehensive Plan, but the design presented needs to be amended. He stated that the Land Use and Zoning Committee recommended the Developer provide the minimum frontage for the cul-de-sac lots, the required open space and the perimeter buffer. The Developer should be required to base the density on net acreage and be required to explore an emergency egress/ingress into the development.

Mr. Radachy explained that there were no temporary cul-de-sacs attaching to the site and the land around the site has been subdivided, so there is no way to require interconnecting this site to other development around the site. Mr. Radachy went on to state that there was a temporary cul-de-sac platted as part of Kingsborough Subdivision, but that temporary cul-de-sac was located in an area that now connects to the condominium development next door. It was vacated in 1986. This is a subdivision issue and will be addressed in the subdivision review if they submit a plat. Staff and Land Use and Zoning are recommending that the Developer explore other options to provide a second entrance to the property. There is a vacant lot on Kingsborough. They could look into purchasing that lot or they could talk to the adjacent condominium owners about purchasing an emergency ingress/egress easement and using the condominium entrance as an emergency entrance/exit. At this time, the Commission cannot force a second entrance nor can they force them to work with the neighbors.

The side setbacks on the Plan were requested to be five feet for one lot and seven feet for the adjacent lot for a total of 12 feet instead of the standard five feet and 10 feet for a total of 15 feet. The units were also configured by measuring the distance between foundation to foundation instead of overhang to overhang. This further reduced the setbacks between buildings. The reduced setbacks between houses make it difficult for firefighting because ladders could not be put up on the side of structures safely.

Staff discussed the lack of open space in the development. He stated that the Developer is claiming the area around the unit (front yard, side yard and back yard) as open space. Staff also stated that density of the development was based on gross acreage of the development and not the net acres of the development. Staff explained that the code requires the developer to provide 20% of the site in open space, remove that acreage and determine the density based on the remainder or net acreage. Staff stated that the net acreage only allows for 70 units and not the 83 proposed.

Mr. Radachy stated that there were issues with the frontage of the lots along the cul-de-sacs. Their frontages are only 30 feet and 40 feet and not the required 40.98 feet on the cul-de-sac. The lots seem to meet the minimum 60 feet at the building setback line.

The Land Use and Zoning Committee recommended that the Developer provide the minimum side setbacks from eve to eve, having minimum frontage for the cul-de-sac lots, the required open space acreage and the perimeter buffer. They would like to see Painesville Township require the Developer to base the density on net acreage and be required to explore an emergency egress-ingress into the development.

Ms. Pesec asked about the open space and how it was determined. Mr. Radachy explained how to determine the open space using both gross and net acreage. The Developers' calculations included the houses on the property. She also asked how much frontage there would be on the cul-de-sac. Staff stated some cul-de-sac lot frontages are 30 feet, some are 40 feet.

Someone asked about the current density on the site. Mr. Radachy said if it was conventional, it would be three units per acre. The Developer is asking for FPUD that gives them four units per acre. R-1 allows for three units per acre. The Land Use and Zoning Committee would like the Township to hold open space at four acres of dedicated common open space.

Ms. Pesec asked if detention ponds were allowed in open space and staff stated, "Yes". A detention pond is allowed in the calculation per Painesville Township Zoning.

Ms. Pesec questioned if the Trustees could make this determination themselves, which was confirmed by Mr. Radachy.

Mr. Brotzman asked if open space needed to be contiguous and Mr. Radachy said it should be, but this Subdivision has limitations.

Mr. Morse commented that he believed fire trucks would not have enough room to get in and out. He stated this was an issue of safety. During the fire the other day in Painesville City, 24 fire departments responded to help. He could not see any one able to get multiple fire trucks in and out of this area.

Mr. Radachy replied that there is no road available to tie into. Maybe they can do two one-way streets.

Mr. Schaedlich stated the Fire Department trucks would take all the space and no one would be able to get around them.

Mr. Brotzman asked if it would be better for fire and safety if the cul-de-sac was connected to take on the shape of an oval and Mr. Radachy said it would. Mr. Brotzman said he would like to see this as a comment to the Township and the other members agreed.

Mr. Brotzman inquired if they had to allow the side setbacks from eve to eve and Mr. Radachy stated that according to the Zoning Inspector, that is how they have been reporting the setbacks. The Zoning Code shows the building lot is to have a 15-foot sideline clearance.

Mr. Dave Novak of Barrington Consulting Group located at 9114 Tyler Blvd., Mentor, Ohio 44060 asked to comment on this zoning case. The Code says to measure to the outermost edge of the structure. There is a lot of dissension in Painesville Township that the measurement should be taken to the foundation.

Mr. Brotzman asked if the houses were designed with that in mind.

Mr. Novak said this was causing a big tear in the community at this moment. We elected that measurement to be taken to the foundation. A couple months ago, the Trustees made changes to the FPUD text allowing for changes to go through the Trustees so they would not have to go through the BZA on an FPUD. Painesville Township Trustees were making these changes under the FPUD language and we questioned if they will have the ability to do this for the next ten years. We questioned the definition and if the setbacks would be done to the foundations by Zoning Code. We

were told that to maximize the envelope we could build single-family fee-simple units in a minimum of 1400 sq. feet on one or two floors.

A member asked if all the houses were going to be the same and Mr. Radachy stated the builder has the ability to sell lots themselves or sell to another builder. The units may be the same, but they could be different.

Mr. Brotzman moved to accept the recommendation of the Land Use and Zoning Committee with the additional comment of making the cul-de-sac into an oval formation. Mr. Flenner seconded the motion.

Chair Morse called for a roll call vote to be taken. The Secretary took the roll call vote below:

Mr. Malacek – Aye
Mr. Brotzman – Yes
Ms. Pesec – No
Mr. Schaedlich – Yes
Mr. Flenner – Yes
Mr. Morse – Chair, opted to vote only to break a tie.

Motion passed.

Painesville Township – Zoning Text Amendments to 6.16, 6.19, 22.04, 22.06, 29.01, 29.04, 29.11

Mr. Radachy stated that Painesville Township was adding lighting requirements, definitions for clothing donation bins/drop boxes and paper recycling bins to their Zoning Regulations. They were also adding requirements for the new uses and adding language to change how residential districts are referenced in Section 22. Staff said adding lighting standards to the residential districts may create issues for the Zoning Inspector in the future. He may be dragged into disputes between neighbors.

Mr. Radachy continued that Painesville Township was adding a reference to the new bicycle section in Section 29.04. They were adding a minimum number of parking spaces for bicycles and new requirements that will require bicycle parking for any civic, commercial, industrial or multi-family use. They are also defining “Bicycle Park Space” and “Bicycle Rack.”

Staff and Land Use and Zoning recommended not accepting the lighting regulations as submitted because they already exist for commercial districts or only accept regulations for commercial, industrial, community service, multi-family (both R-3 and FPUD) and non-residential uses in the residential districts. Then, delete 22.12 C.

Mr. Radachy said the definitions and the definition names should correspond to the title. The language submitted has “Clothing Recycling Bins/Drop Boxes” but referred to them as “Clothing Donation Bins” in the definition provided.

Staff said the definition that Madison Township had created of Donation Box is, “Unattended container, receptacles or similar devices used for soliciting and collecting donations of clothing,

books, school supplies or other personal property. Donation boxes are for non-profit organizations that are listed as 501 C3 by the United States IRS". Many communities refer to this use as "Donation Bins" that can accept toys and household goods as well as clothing and shoes. He recommended they use a similar definition and that the "Clothing Recycling Bins/Drop Boxes" be called "Donation Bins".

Staff was concerned that Paper Recycling Bins were technically the same as Dumpsters. The current regulations would allow these to be placed anywhere as long as it did not interfere with pedestrian and vehicular circulation. Staff and Land Use and Zoning felt that Paper Recycle Bins should be treated the same as Dumpsters and not allowed to be randomly placed anywhere.

Mr. Radachy said that the parking amendment involved dividing Section 29.01 into an "A" and a "B" and moving language on how long an unlicensed or inoperable vehicle may remain on a zoning lot from 29.11 B to 29.01 B. Painesville Township was also adding a reference to the new bicycle section in Section 29.04. They were adding a minimum number of parking spaces for bicycles, and adding new requirements that will require bicycle parking for any civic, commercial, industrial or multi-family use. These requirements include the required number of spaces, location of spaces and design standards. They are also defining "Bicycle Parking Space" and "Bicycle Rack".

Staff said the Comprehensive Plan states that the Township should work towards accommodating bicycles in the transportation network and adding places to securely lock up bicycles as logical steps in working towards implementing the Comprehensive Plan.

Mr. Radachy stated that there may be issues with requiring bicycle parking because the roads in Painesville Township are not very bicycle friendly. The expansion of Mentor Avenue did not include bike lanes. By definition and by the ORC, bicycles are vehicles and they are not meant to be ridden on sidewalks. NOACA has rated Mentor Avenue and Fairgrounds Road as suitable for experienced riders only. North Ridge Road was rated as not suitable for bicycles and most of the other roads in Painesville Township were suitable for bicyclists with intermediate skills.

Staff and the Land Use and Zoning Committee members recommended adding definitions, locations, and design standards to allow property owners to add bicycle spaces if they desired. They recommended not requiring bicycle parking at this time because the Township is not bicycle friendly enough to require it. They also recommended moving the definitions to Section 5 – Definitions and to remove the reference to 29.11 B in Section 29.04.

The Land Use and Zoning Committee recommended leaving the reference to bicycle parking in the required parking table because it showed that it is required and recommended the text amendment with staff's recommendations.

Ms. Pesec moved to accept the Land Use and Zoning Committee's recommendations and Mr. Malecek seconded the motion.

All voted "Aye".

Mr. Malecek left at 6:25 p.m.

SUBDIVISION ACTIVITY REPORT

Mr. Radachy gave the following subdivision activity report:

- Concord Ridge, Phases 2 and 3 were recorded.
- Summerwood, Phase IV-H was recorded in February.
- The Lake County YMCA Dream House is being built in Concord Ridge, Phase 2. The Developer was able to transfer the lot to them.

REPORTS OF SPECIAL COMMITTEES

The Coastal Plan Committee

Mr. Radachy requested Ms. Myers to report on the Coastal Plan Committee. She stated that the Committee meeting had been cancelled. A report requested by Mr. Boyd, Chair, from Mr. Peter Zahirsky, Coastal Manager of the Lake County Ohio Port & Economic Development Authority, was distributed by email to all members in lieu of the meeting.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Ms. Pese moved and Mr. Flenner seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:27 p.m.